

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

R&B Deptt- Court Case- Payment of 50% of decretal amount to M/s. Rasa Constructions, Karimnagar, in the case in O.S No.2/2004, dt:26.12.2007 of III Addl. District Judge, Karimnagar including E.P No.8/2011 in High Court of A.P, Hyderabad- Sanction-Accorded - Orders - Issued.

TRANSPORT, ROADS & BUILDINGS (R.IV) DEPARTMENT

G.O.Rt.No. 71

Dated: 17-01-2013.

Read the following:

1. From the CE (R&B) CRN & MD, APRDC, Hyd.,
Lr.No.MD/APRDC/GM/EE/DEE7/AEE20/5/2012, Dt:13.10.2012.
2. From the CE (R&B) CRN & MD, APRDC, Hyd.,
Lr.No.MD/APRDC/GM/EE/DEE7/AEE20/5/2012, Dt:21.12.2012.

ORDER:

In letter 1st read above , the Chief Engineer (R&B) CRN & MD, APRDC, Hyd., has stated that the M/s. Rasa Constructions, Karimnagar have entered into an agreemrnt for "Collection of Tolls Tax at the toll gate for Manair Bridge located at km 156/0 on Hyderabad-Karimnagar-Chanda road on 01.08.1995 initially for a period from 02.08.1995 to 31.03.1996 at monthly lease amount of Rs.7,83,333/-. After wards the Contractors had obtained status-quo orders from the court of subordinate judge, Karimnagar and operated the suit contract beyond 31.03.1996 i.e. from 01.04.1996 to 24.06.1996 until the status-quo orders were vacated for which period they have paid the rent applicable as per the agreement.

2. Meanwhile on the representation of the Contractors the Government have extended the lease / Contract period beyond 31.03.1996 vide Memo.No.302/R.III(1)/96-2 of TR&B Deptt, dt:27.06.1996 at the rate of Rs.90.00 lakhs per annum until further orders pending disposal of O.S.No.14/96. The orders were issued after expiry of contract on 24.06.1996. Since the status-quo orders in OS.No.14/96 were dismissed by the Hon'ble High Court, the department did not implement the orders of the Govt. extending the lease / contract period beyond 24.06.1996. The Contractors mean while approached the Hon'ble High Court of A.P, by filing WPNo. 17953/1996 in WPMP No. 22130 of 1996, for implementing the Govt. orders extending the lease / contract period beyond 31.03.1996 and to resume the operation of business of toll collection. The Hon'ble High Court passed an interim order on 06.09.1996 and modified on 20.09.1996 allowing them to operate the Toll. Accordingly the contractors again entered into agreement for operation of Toll tax from 24.09.1996 to 22.01.1997 by paying Rs.9.00 lakhs per month towards rent. In the interim period from 25.06.1996 to 23.09.1996 the department has operated the toll tax collection.

3. He has informed that the Contractors have filed a suit for mandatory injunction against Govt.of Andhra Pradesh represented by the SE (R&B) Circle, Karimnagar in OS.No.2/2004 for return of the Bank Guarantee No.8/95-96 dt.20.06.1996 for Rs.11,74,000/-(Indian Bank,Karimnagar) and also for refund of Rs.10.33 lakhs due to them together with 12% of interest per annum theron from the date of the suit and till the date of payment. Counter affidavit to the above O.S. was filed in III Addl.District Judge, Karimnagar in June 2004 for dismissal of the suit. As per III Addl.District Judge, Karimnagar Judgement dt:26.12.2007 in O.S.No.2/2004 it was ordered that the plaintiff (Contractors) is only entitled for Rs.9,93,000/- i.e.,(Rs.4,26,524 +Rs.3,30,000/-+ Rs.2,36,481/- rounded to 9,93,000/-). The Hon'ble High Court have admitted most of facts in the suit and ordered as below.

- a) The suit is decreed with appropriate cost of Rs.9.93 lakhs with future interest of 7.5% per annum from the date of suit and till the date of realization.
- b) To return the B.G.No. 8/95-96 dt. 20.06.1996 lodged by the contractor for Rs.11.74 lakhs within one month.
- c) The paintiff is entitled for mandatory injunction.

(PTO)

4. Soon after the above orders the Department has filed ASSR No. 7070/2008, ASMP No.1340/2009 and A.S No.682/012 duly consulting the Advocate General, A.P, Hyderabad, in 4/12, seeking to grant stay of all future proceedings pursuant to the Judgment and decree dt:26.12.2007 in O.S No.2/2004 on the file of III Addl. District Judge, Karimnagar including E.P No.8/2011. The Hon'ble High Court of A.P, Hyderabad., is pleased to grant interim stay on 21.08.2012 on condition of depositing 50% of decreed amount.

5. He has stated that the total Decretal amount is Rs.16,91,049/-, in the total amount 50% decretal amount worked out to Rs.8,45,525/-

6. He has further stated that to accommodate the time required for processing of Govt. orders for the above decretal amount, releasing of LOC and payment by PAO, Karimnagar, the interest amount is calculated upto 05.02.2013. However, while depositing the decretal amount with the court, the interest will be worked out as per the actual date of payment.

7. The Chief Engineer(R&B) CRN & MD APRDC, Hyderabad, has requested the Govt. to release the decretal amount of Rs. 8,45,525/- towards payment of 50% of decretal amount, to the M/s.Rasa Constructions, Karimnagar under contingent "Head of Account 5054-800-11-(08)-530-532, to avoid further legal complications in the case relating to O.SNo.2/2004 filed by the Contractors, EP. No.8/2011 in OSNo.2/2004 &ASMP No.948/ 2012 in AS No.682/2012, dt:21-08-2012.

8. Government after careful examination of the matter, hereby accord administrative sanction for release of an amount of Rs.8,45,525/- (Rupees eight lakhs forty five thousand five hundred and twenty five only) to deposit of 50% decretal charges in respect of the case in O.S No.2/2004, dt:26.12.2007 of III Addl. District Judge, Karimnagar including E.P No.8/2011 in Hon'ble High Court of A.P, Hyderabad.

9. The amount sanctioned in para (8) above, shall be debited to the Head of Account- 5054 Capital Outlay on Roads & Bridges -04- Districts and other roads- MH 800 - Other Expenditure - GH11- Normal state plan- SH (08) - 530- Major Works -531 -Other Expenditure.

10. The Chief Engineer (R&B) CRN & MD, APRDC, Hyderabad shall take further necessary action accordingly.

11. This order issues with the concurrence of Finance Department vide their U.O.No. 35415/1509/A2/Exp.PW/2012, dt:07-01-2013.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

S.P.SINGH
PRINCIPAL SECRETARY TO GOVERNMENT

To

The Chief Engineer(R&B) CRN & MD, APRDC, Hyderabad.

Copy to:

The Spl.Government Pleader,

O/o the Advocate General, High Court of A.P., Hyderabad.

The Accountant General, A.P, Hyderabad.

The Pay & Accounts Officer, Hyderabad.

The Finance (BG.I/Exp.PWD) Dept.

The PS to M(R&B)/ Prl.Secy., R&B.

Sf/Sc.

//FORWARDED BY ORDER//

SECTION OFFICER